



IAP09Rec'd PCT 26 DEC 2007

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**OSWALD et al**

Atty. Ref.: **1418-49**

Serial No. **10/577,941**

Group: **unknown**

Filed: **May 3, 2006**

Examiner: **Unknown**

For: **DETERMINING POSITIONAL INFORMATION**

\* \* \* \* \*

**December 26, 2007**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Applicant respectfully submits that the Notification of Defective Response dated November 26, 2007 (copy enclosed) is improper and respectfully requests that this Notification be withdrawn.

Applicant wishes to thank Charitta Burt of the USPTO for the courtesy extended during a telephone discussion with Applicant's representative regarding the Notification.

The Notification contends that an additional inventor has been added without documentation. Presumably, Vincent UTSI is the "additional inventor" to which the Notification refers. However, as shown in the attached Notification of the Recording of a Change, the inventorship of PCT application no. PCT/GB2004/004648 (on which the subject patent application is based) was previously changed to include Mr. Utsi. The declaration submitted on April 5, 2007 is executed by all the inventors (including Mr. Utsi) and reflects the inventorship of the corresponding PCT application. Consequently, no additional inventor has been added.

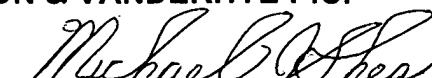
**OSWALD et al**  
Application No. 10/577,941  
Response to Notification of Defective Response

Please charge any fee associated with the filing of this response to our Deposit  
Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



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1418-49



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/577,941	Oswald	141849

23117

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INTERNATIONAL APPLICATION NO.	
PCT/GB04/04648	
I.A. FILING DATE	PRIORITY DATE
11/03/2004	11/03/2003

**CONFIRMATION NO. 5288**  
**371 FORMALITIES LETTER**



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Date Mailed: 11/26/2007

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 05/03/2006
- Copy of the International Search Report filed on 05/03/2006
- Copy of IPE Report filed on 05/03/2006
- Preliminary Amendments filed on 05/03/2006
- Information Disclosure Statements filed on 05/03/2006
- Oath or Declaration filed on 04/05/2007
- Request for Immediate Examination filed on 05/03/2006
- U.S. Basic National Fees filed on 05/03/2006
- Priority Documents filed on 05/03/2006

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DATES DOCKETED

DJE Dec 26, 2007  
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Applicant's response filed 04/05/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/08/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - An additional inventor has been added without documentation.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

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For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

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